

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,) Criminal
) No. 11-557 (KAM)
Government,)
) PLEA HEARING
vs.)
) Brooklyn, New York
RAUL GRANADOS-RENDON,) Date: December 8, 2017
) Time: 2:00 p.m.
Defendant.)

TRANSCRIPT OF PLEA HEARING
HELD BEFORE
THE HONORABLE JUDGE KIYO A. MATSUMOTO
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S

For the Government: Jennifer Sasso, AUSA
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Proceedings reported by machine shorthand, transcript produced
by computer-aided transcription.

Court Reporter: Annette M. Montalvo, CSR, RDR, CRR
 Official Court Reporter
 United States Courthouse, Room N375
 225 Cadman Plaza East
 Brooklyn, New York 11201
 718-804-2711

1 (WHEREUPON, commencing at 2:19 p.m., the following
2 proceedings were had in open court, to wit:)

3 THE COURTROOM DEPUTY: This is criminal cause for
4 pleading, 11-CR-557, *USA vs. Raul Granados-Rendon*.

5 Will the government's attorney state your
6 appearance, please.

7 MS. SASSO: Good afternoon, Your Honor. Jennifer
8 Sasso for the United States.

9 THE COURT: Afternoon.

10 THE COURTROOM DEPUTY: And on behalf of
11 Mr. Granados-Rendon.

12 MR. GENTILE: Joseph Gentile. Good afternoon,
13 Judge.

14 THE COURT: Good afternoon.

15 And we have present a Spanish interpreter. For the
16 record, your name, ma'am.

17 THE INTERPRETER: Maristela Verastegui, previously
18 sworn.

19 THE COURT: Thank you, ma'am.

20 Mr. Granados-Rendon, will you please raise your
21 right hand and take an oath to tell the truth.

22 (WHEREUPON, the defendant was duly sworn.)

23 THE COURT: All right. So, Mr. Granados-Rendon,
24 before I decide whether to accept your guilty plea, there are
25 some questions that I must ask you in order to assure myself

1 that your plea is valid. If you do not understand my question
2 or wish me to clarify my question, or consult with your
3 attorney, please let me know. All right, sir?

4 THE DEFENDANT: Okay.

5 THE COURT: Do you understand, sir, that having been
6 sworn to tell the truth, your answers to my questions will be
7 subject to penalties of perjury or making false statements if
8 you do not answer truthfully?

9 THE DEFENDANT: Yes.

10 THE COURT: Would you state your full legal name,
11 please.

12 THE DEFENDANT: Raul Granados-Rendon.

13 THE COURT: And how old are you, sir?

14 THE DEFENDANT: 30.

15 THE COURT: Would you tell me what schooling or
16 education you have had?

17 THE DEFENDANT: First grade.

18 THE COURT: All right, sir. And have you had any
19 difficulty communicating with your attorney Mr. Gentile with
20 the assistance of a Spanish interpreter?

21 THE DEFENDANT: No.

22 THE COURT: Are you able to read or write any
23 language, sir?

24 THE DEFENDANT: No.

25 THE COURT: Mr. Gentile, are you satisfied that your

1 client does have the ability to communicate effectively with
2 you about the charges, his rights, and this proceeding?

3 MR. GENTILE: The answer to the question is yes,
4 Judge. I will say, though, that it takes more effort than the
5 standard situation because of the educational circumstance
6 that he just indicated. Simply stating, legal concepts, in
7 particular, have to be explained sometimes more than once with
8 different examples so that he understands. But I believe
9 after quite a number of visits and quite a number of going
10 through it, he does understand it.

11 THE COURT: Thank you.

12 Mr. Granados-Rendon, are you presently or have you
13 recently been under the care of any doctor or psychiatrist?

14 THE DEFENDANT: No.

15 THE COURT: In the past 24 hours, have you taken any
16 narcotic drugs, medicine or pills or had any alcoholic
17 beverages?

18 THE DEFENDANT: No.

19 THE COURT: Have you recently been hospitalized or
20 treated for any mental or emotional problems or addictions to
21 alcohol or narcotics?

22 THE DEFENDANT: No.

23 THE COURT: Do you feel that your mind is clear now?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you understand what is going on here

1 today and why you are here?

2 THE DEFENDANT: Yes.

3 THE COURT: Mr. Gentile, have you discussed the
4 matter of pleading guilty with your client?

5 MR. GENTILE: Yes, Your Honor.

6 THE COURT: Are you satisfied that he understands
7 his rights that he would be waiving if he were to plead
8 guilty?

9 MR. GENTILE: Yes, he does, Judge.

10 THE COURT: Is Mr. Granados-Rendon capable, in your
11 view, of understanding the nature of the proceedings we are
12 holding right now?

13 MR. GENTILE: I believe so, Judge, yes.

14 THE COURT: Do you have any doubt as to whether or
15 not he's competent to plead at this time?

16 MR. GENTILE: No. I believe he is competent.

17 THE COURT: Have you advised your client of the
18 maximum and minimum sentencing fine that could be imposed as a
19 result of his guilty plea to Counts 1 and 2 of the indictment?

20 MR. GENTILE: Yes, Your Honor.

21 THE COURT: Have you also discussed with your client
22 the consideration -- my consideration of the sentencing
23 guidelines and the sentencing factors set forth in the
24 criminal code?

25 MR. GENTILE: We have had those discussions, and in

1 this particular case as many issues that we have thoroughly
2 analyzed and discussed that will ultimately be raised at
3 sentencing, too.

4 THE COURT: Thank you.

5 Mr. Granados-Rendon, as you know, you have the right
6 to an attorney throughout these proceedings. We have
7 appointed Mr. Gentile to represent you. Have you had an
8 opportunity to discuss your case with your attorney?

9 THE DEFENDANT: Yes.

10 THE COURT: Are you satisfied to have Mr. Gentile
11 represent you?

12 THE DEFENDANT: Yes.

13 THE COURT: My understanding, sir, is that you
14 intend to plead guilty to Count 1 and Count 2 of the
15 indictment, which both counts charge you with sex trafficking
16 conspiracy; is that correct?

17 THE DEFENDANT: Yes.

18 THE COURT: And just for the record, Count 1 charges
19 a sex trafficking conspiracy between October 2000 and December
20 2008. And Count 2 charges a sex trafficking conspiracy
21 between January 2009 and June 2011. In particular, I have
22 been advised that Count 2 involves a victim known as
23 Christine.

24 MS. SASSO: Your Honor, actually, to be clear, I
25 think that that was said in the reverse. Count 1 involves

1 Jane Doe number 2. Count 2 does not name a Jane Doe victim.

2 THE COURT: All right. Excuse me.

3 So, Mr. Gentile, Count 1 involves a woman named
4 Christine, and Count 2 does not name any person, is that
5 correct, Mr. Gentile, based on your conversations with your
6 client and your explanation of the indictment to him?

7 MR. GENTILE: Yes, Judge.

8 THE COURT: Mr. Granados-Rendon, have you discussed
9 the indictment with your attorney?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you wish to have any further
12 discussion with him about the indictment or the charges to
13 which you intend to plead guilty?

14 THE DEFENDANT: Sorry, can you repeat that.

15 THE COURT: Do you want to have any further
16 discussions with your attorney about the charges in the
17 indictment to which you intend to plead guilty?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. Why don't you have those
20 conversations.

21 MR. GENTILE: Sure.

22 (Short pause.)

23 MR. GENTILE: I think he was a little confused on
24 that.

25 THE COURT: So did you have a chance to speak to

1 your attorney, sir?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. You do have a right to
4 maintain your earlier not guilty plea, if you wish to do so.
5 Do you understand?

6 THE DEFENDANT: Yes.

7 THE COURT: If you do continue to plead not guilty,
8 under the United States Constitution and the laws, you would
9 be entitled to a speedy and public trial by a jury with the
10 assistance of your attorney Mr. Gentile on the charges set
11 forth in the indictment, 11-CR-557; do you understand?

12 THE DEFENDANT: Yes.

13 THE COURT: At the trial, you would be presumed to
14 be innocent, the government would have to overcome that
15 presumption and prove you guilty with competent evidence
16 beyond a reasonable doubt as to every element of the offenses
17 charged. You would not have to prove that you were innocent.
18 If the government failed to prove you guilty beyond a
19 reasonable doubt, the jury would have the duty to find you not
20 guilty. Do you understand?

21 THE DEFENDANT: Yes.

22 THE COURT: Sometimes in a criminal case, jurors
23 will return a verdict of not guilty even if the jurors believe
24 that the defendant on trial probably committed the offense
25 charged. When a jury returns a not guilty verdict, the jurors

1 are not necessarily saying that the defendant is innocent, but
2 instead the jurors may not have been convinced beyond a
3 reasonable doubt that the defendant is guilty. Do you
4 understand?

5 THE DEFENDANT: Yes.

6 THE COURT: During the trial, the witnesses for the
7 government would have to come to court and testify in your
8 presence, and your attorney would have the right to
9 cross-examine those witnesses and to object to any of the
10 evidence offered against you by the government. Do you
11 understand?

12 THE DEFENDANT: Yes.

13 THE COURT: You and your attorney would have the
14 right but no obligation to offer evidence and to require
15 witnesses to come to court and testify in your defense. Do
16 you understand?

17 THE DEFENDANT: Yes.

18 THE COURT: At the trial, although you would have
19 the right to testify, if you chose to do so, you could not be
20 required to testify. Under the United States Constitution,
21 you cannot be compelled to incriminate or to say things that
22 would be against your interests with respect to the criminal
23 charges. Do you understand?

24 THE DEFENDANT: Yes.

25 THE COURT: If you decided not to testify at a

1 trial, I would instruct the jury that they could not hold that
2 against you, or even discuss it during their deliberations.

3 Do you understand?

4 THE DEFENDANT: Yes.

5 THE COURT: If you do plead guilty, and I accept
6 your guilty plea, you will be giving up your constitutional
7 right to a jury trial and all the other rights I've just
8 discussed.

9 There will be no further trial of any kind, and no
10 right to appeal from the judgment of guilty entered against
11 you. Do you understand?

12 THE DEFENDANT: Yes.

13 THE COURT: You will then be convicted based upon
14 your plea of guilty during the proceeding we are holding right
15 now, and the government will be free of any obligation to
16 prove anything about what you did in connection with the
17 charged crimes. Do you understand?

18 THE DEFENDANT: Yes.

19 THE COURT: If you did proceed to a trial and were
20 convicted by the jury's verdict, you would have -- you would
21 have the right to ask the Appellate Court or a higher court to
22 review the legality of all of the proceedings leading up to
23 your conviction. But when you enter a guilty plea, you are
24 substituting your own words for the jury's verdict. And when
25 you do that, you give up your right to bring an appeal or

1 other challenge to your conviction or the judgment of guilty
2 that will be entered against you. Do you understand?

3 THE DEFENDANT: Yes.

4 THE COURT: If you do plead guilty, I will have to
5 ask you questions about what you did in order to satisfy
6 myself that you are, in fact, guilty of the charge to which
7 you seek to plead guilty. You will have to answer my
8 questions truthfully and acknowledge your guilt. Do you
9 understand?

10 THE DEFENDANT: Yes.

11 THE COURT: And in the process of answering my
12 questions truthfully and acknowledging your guilt, you will be
13 giving up your right not to incriminate yourself. Do you
14 understand?

15 THE DEFENDANT: Yes.

16 THE COURT: Are you willing to give up your right to
17 a trial and the other rights that I have just described?

18 THE DEFENDANT: Yes.

19 THE COURT: Now, sir, I understand that you entered
20 into an agreement with the government. I would like to ask
21 you whether your signature appears on the last page of this
22 document.

23 THE DEFENDANT: Yes.

24 THE COURT: Before you signed this agreement, did
25 somebody translate this agreement into Spanish?

1 THE DEFENDANT: Yes.

2 THE COURT: Did you also have the chance to speak
3 with your attorney about what this agreement provides?

4 THE DEFENDANT: Yes.

5 THE COURT: By signing -- do you understand what
6 this agreement provides, sir?

7 THE DEFENDANT: Yes.

8 THE COURT: For the record, I note that an
9 individual identified as C. Vinon translated this agreement on
10 December 7, 2017. Is that correct, Mr. Gentile?

11 MR. GENTILE: Not only on that date, which was
12 yesterday, Judge, did I go with Mr. Vinon, but Mr. Vinon and I
13 have been probably at least a half a dozen times, and on two
14 separate occasions he translated the entire document, with the
15 only notable exception, which the assistant was kind enough to
16 change the date for the acceptance of the plea because we
17 adjourned the date. Other than that, the entire terms have
18 been read through him in Spanish and the translation.

19 THE COURT: Thank you.

20 By signing this agreement, sir, do you intend to
21 indicate that you understand the agreement and that you agree
22 to those terms?

23 THE DEFENDANT: Yes.

24 THE COURT: All right. Do you have any questions so
25 far about the charges in the indictment that you intend to

1 plead guilty to?

2 THE DEFENDANT: No.

3 THE COURT: Would you like me to read those charges,
4 or do you waive reading?

5 THE DEFENDANT: No.

6 THE COURT: Sir, I am going to go over the penalties
7 that you may face if you plead guilty to Count 1 and Count 2.
8 Those are found in paragraph 1 of your agreement.

9 First, with regard to Count 1, you face a maximum
10 term in prison of five years. There is no minimum term of
11 imprisonment. You face a maximum supervised release term of
12 three years, which follows any term that you may spend in
13 jail.

14 If you violate the terms of your supervised release,
15 you could be sentenced to jail for up to two years additional
16 years, without any credit for time that you may have already
17 spent in jail as a result of your conviction and without any
18 credit for time that you have already spent on supervised
19 release. Do you understand?

20 THE DEFENDANT: Yes.

21 THE COURT: You also face a maximum monetary fine of
22 \$250,000. Do you understand?

23 THE DEFENDANT: Yes.

24 THE COURT: Now, I am just wondering -- okay. You
25 must also pay a \$100 special assessment, which is payable to

1 the clerk of the court for Count 1. And, in addition, you
2 will be removed from United States, as set forth in your
3 agreement at paragraph 6.

4 Do you understand that you will not be permitted to
5 stay in the United States because of your conviction if you
6 plead guilty to Count 1?

7 THE DEFENDANT: Yes.

8 THE COURT: With regard to Count 2, you face a
9 maximum prison term of life in prison, and a minimum term of
10 zero years. Do you understand?

11 THE DEFENDANT: Yes.

12 THE COURT: You also face a supervised release term,
13 which would be a minimum of five years on Count 2. Do you
14 understand?

15 THE DEFENDANT: Yes.

16 THE COURT: During supervised release, a probation
17 officer would supervise your activities, and you would have to
18 report to your probation officer about your activities. If
19 you violate your supervised release, you may be sentenced to
20 prison for up to a life term without any credit for time that
21 you have already spent on supervised release and without any
22 credit for time that you have already spent in prison. Do you
23 understand?

24 THE DEFENDANT: Yes.

25 THE COURT: Just one moment.

1 (Short pause.)

2 THE COURT: In addition, sir, you also face a
3 \$250,000 fine on Count 2, and you will have to make
4 restitution, which is a monetary payment to the victims of
5 your offense in Count 2. Do you understand?

6 THE DEFENDANT: Yes.

7 THE COURT: The amount of money that you will have
8 to pay to any victims of your offense in Count 2 will be
9 determined at the time of your sentencing. Do you understand?

10 THE DEFENDANT: Yes.

11 THE COURT: You also face a \$100 mandatory special
12 assessment on Count 2 in addition to the \$100 you will owe on
13 Count 1. Do you understand?

14 THE DEFENDANT: Yes.

15 THE COURT: In addition, sir, you will have to be
16 removed from the United States, and you will also have to
17 register in the United States as a sex offender. Do you
18 understand?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you have any questions so far?

21 THE DEFENDANT: No.

22 THE COURT: Sir, under the Sentencing Reform Act,
23 which is a federal law of 1984, the United States Sentencing
24 Commission has issued guidelines for judges to consult in
25 determining a sentence in a criminal case. United States

1 Supreme Court has decided that those guidelines are not
2 mandatory, but, rather, advisory. The guidelines provide a
3 range of sentence within the statutory minimum and statutory
4 maximum. In addition to those guidelines, I will also
5 consider factors set forth in the United States criminal code
6 in determining your sentence. Do you understand?

7 THE DEFENDANT: Yes.

8 THE COURT: Now, at paragraph 2 of your agreement,
9 you were advised that the guidelines are advisory rather than
10 mandatory. Paragraph 2 also sets forth the government's
11 estimated guideline offense level and range of sentence that
12 you would face if you plead guilty to Count 1 and Count 2. So
13 in paragraph 2 of your agreement, the government estimates
14 that your guideline adjusted offense level -- and this is for
15 Count 1 and Count 2, Ms. Sasso?

16 MS. SASSO: That's correct, Your Honor. They
17 essentially compound together.

18 THE COURT: All right. So for Count 1 and Count 2
19 of the indictment, the government estimates that you would
20 have a guideline offense level of 36, which is calculated as
21 follows: With regard to Jane Doe victim 2, also identified as
22 Christina, you have a base offense level under the guidelines
23 of 30. Because the offense involved conduct involved or
24 described in Section 2241(a) or (b), four levels would be
25 added.

1 And would you specify, Ms. Sasso, what that conduct
2 is, please.

3 MS. SASSO: Your Honor, that would involve under the
4 subsection of the overt acts in Count 1, the nature of the
5 interactions between the individual known as Jane Doe 2 and
6 the defendant that would have been either violent or
7 threatening to that individual in nature, some sort of
8 aggravating circumstances.

9 THE COURT: Mr. Rendon, do you understand that the
10 government is estimating that you will receive an additional
11 four levels on your offense level because of either threats of
12 violence or violent acts in relation to Jane Doe Number 3,
13 also known as Christina?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you also understand that the
16 government is adding two additional points to your guideline
17 estimated offense level because the government believes that
18 Christina was a vulnerable victim? And if the government
19 could explain vulnerable victim to the defendant and make a
20 record, I'd appreciate it.

21 MS. SASSO: Yes, Your Honor.

22 In light of the financial circumstances and the fact
23 that the victim was essentially manipulated into coming from
24 Mexico into the United States with false promises and sort of
25 a lack of an ability to understand that, in terms of

1 educational ability or comprehension, and otherwise being in a
2 position able to be manipulated because the victim was in need
3 of money or beholden to the threats of violence or violence
4 that were happening in the conspiracy, the government will
5 contend that the vulnerable victim enhancement is applicable
6 here. That said, the defense has preserved their right to
7 contest that and has stipulated in the agreement to a 31 level
8 guidelines calculation, which does not include that vulnerable
9 victim enhancement.

10 MR. GENTILE: If I may, Judge.

11 THE COURT: Yes, Mr. Gentile.

12 MR. GENTILE: Judge, Christina was not his
13 girlfriend or wife. It was his brother's. But he lived with
14 them. So he was aware of how his brother was treating her,
15 and I think he might have also escorted her up.

16 Just so that you know, and I don't know how much you
17 read, he had a separate woman who was not part of the
18 extradition affidavit materials. But we have had some
19 discussions about that. There's a lot to digest here, which
20 is why when the time comes, we had a little disagreement on
21 what the guideline level is, but the general nature of the
22 circumstances, I just wanted you to be aware of that.

23 THE COURT: I appreciate that.

24 And, Mr. Granados-Rendon, before you're sentenced,
25 you will have an opportunity with your lawyer to present your

1 arguments about what sentencing guidelines should be
2 considered, and how they should be calculated. But in any
3 event, your attorney has indicated that you agree to a
4 guideline calculation level of 31. Do you understand that and
5 agree to that?

6 THE DEFENDANT: Yes.

7 THE COURT: And did you discuss this with your
8 lawyer, sir?

9 THE DEFENDANT: Yes.

10 MS. SASSO: If I may, Your Honor.

11 THE COURT: Yes.

12 MS. SASSO: The government base offense level is
13 calculated at a 36. The parties are both in agreement that
14 the defendant is satisfying the acceptance of responsibility
15 deserving of the third point reduction, and so the
16 government's final calculation is an offense level of 33. So
17 there's really only a two point discrepancy in the
18 calculations by defense and government, which, of course, we
19 will address at the time of sentencing.

20 THE COURT: So, Mr. Granados-Rendon, based on the
21 government's calculation and their position, they believe that
22 if you are found to be at a level 33 under the advisory
23 guidelines, you will face a term in prison between 135 to 168
24 months. Do you understand?

25 THE DEFENDANT: Yes.

1 THE COURT: And that's assuming that you are found
2 to be criminal history category I, which generally means that
3 you haven't had prior convictions. Do you understand?

4 THE DEFENDANT: Yes.

5 THE COURT: Mr. Gentile, have you reviewed these
6 provisions with your attorney?

7 MR. GENTILE: Yes, with my client.

8 THE COURT: I mean with your client. I'm sorry.

9 MR. GENTILE: No problem. Yes, I have, several
10 times.

11 THE COURT: Thank you.

12 Now, Mr. Granados-Rendon, I will not be able to make
13 my own independent advisory guideline calculation until after
14 the United States probation department prepares what is called
15 a pre-sentence report. That's a report that will tell me
16 about you, your educational background, your family history,
17 your prior criminal history, if any, and your role in the
18 charges to which you are going to be pleading guilty.

19 I will then give both sides, your attorney and the
20 government, and you, an opportunity to object to any of the
21 facts reported by the probation department. I will then make
22 my own independent advisory guidelines calculation, and once I
23 do that, sir, I have authority to impose a sentence that is
24 more severe or less severe than that recommended by the
25 advisory guidelines. Do you understand?

1 THE DEFENDANT: Yes.

2 THE COURT: In addition, sir, I'd like you to be
3 aware that in paragraph 4 of your agreement, you are agreeing
4 not to appeal your sentence or conviction if I impose a term
5 in prison of 188 months or below.

6 Do you understand that you are giving up your right
7 to bring an appeal if you receive a prison term of 188 months
8 or below?

9 THE DEFENDANT: Yes.

10 THE COURT: And have you discussed this provision
11 with your lawyer?

12 THE DEFENDANT: Yes.

13 THE COURT: Mr. Gentile, are you satisfied that your
14 client understands his appellate waiver if he receives a
15 sentence of 188 months or less?

16 MR. GENTILE: Yes, he does, Judge.

17 THE COURT: Do you also understand, sir, that parole
18 in the federal system has been abolished, and if you are
19 sentenced to prison, you will not be released on parole?

20 THE DEFENDANT: Yes.

21 THE COURT: And as we know, the -- your lawyer and
22 you are going to contest the government's estimates under the
23 advisory guidelines, but what's important is for you to
24 understand that if you receive a sentence that is more severe
25 than what you would expect or hope for, that that will not be

1 a basis for you to withdraw your guilty plea. Do you
2 understand?

3 THE DEFENDANT: Yes.

4 THE COURT: Let me also advise you that because of
5 your guilty plea in this case, you will be required to
6 register as a sex offender under the Sex Offender Registration
7 and Notification Act. Do you understand?

8 THE DEFENDANT: Yes.

9 THE COURT: You may also, as a registered sex
10 offender and as result of your conviction in this case, you
11 may also face the possibility of a civil commitment under the
12 Adam Walsh Child Protection and Safety Act after you finish
13 serving your term in prison. Do you understand?

14 THE DEFENDANT: Yes.

15 THE COURT: The Adam Walsh Child Protection Act
16 permits the United States Attorney General or the director of
17 the Bureau of Prisons to certify that a prisoner who is
18 nearing the end of his prison term is a sexually dangerous
19 person. There would be a hearing before the court, and the
20 government may attempt to demonstrate by clear and convincing
21 evidence that an inmate is sexually dangerous, as that term is
22 defined under law.

23 If the Court finds that you are sexually dangerous,
24 you may be committed to further custody until a court
25 determines that you are no -- that you are no longer sexually

1 dangerous. Do you understand?

2 THE DEFENDANT: Yes.

3 THE COURT: Mr. Gentile, have you explained the
4 possibility of civil commitment to your client?

5 MR. GENTILE: We have discussed it, yes, Judge.

6 THE COURT: Are you convinced that he understands --

7 MR. GENTILE: I believe he does.

8 THE COURT: -- further civil commitment?

9 MR. GENTILE: Yes, I believe he does.

10 THE COURT: Mr. Granados-Rendon, do you have any
11 questions you would like to ask me before I hear your plea?

12 THE DEFENDANT: No.

13 THE COURT: Are you ready to plead?

14 THE DEFENDANT: Yes.

15 THE COURT: Mr. Gentile, do you know of any reason
16 why your client should not plead guilty to Count 1 and Count 2
17 of the indictment?

18 MR. GENTILE: No, Your Honor.

19 THE COURT: Are you aware of any viable legal
20 defenses that are causing you to counsel Mr. Granados-Rendon
21 not to plead guilty to Count 1 and Count 2?

22 MR. GENTILE: No, Judge.

23 THE COURT: Mr. Granados-Rendon, what is your plea
24 to Count 1, guilty or not guilty?

25 THE DEFENDANT: Yes. Guilty.

1 THE COURT: What about Count 2, do you wish to plead
2 guilty or not guilty to Count 2?

3 THE DEFENDANT: Also guilty. Yes.

4 THE COURT: Are you making a plea of guilty to
5 Counts 1 and 2 voluntarily and of your own free will?

6 THE DEFENDANT: Yes.

7 THE COURT: Did anyone threaten you or force you to
8 plead guilty to Count 1 and Count 2?

9 THE DEFENDANT: No.

10 THE COURT: Other than the agreement that you made
11 with the government, did anyone make you any promise that
12 caused you to plead guilty to Count 1 or Count 2?

13 THE DEFENDANT: No.

14 THE COURT: Did anyone make any promise to you about
15 what your sentence will be in this case?

16 THE DEFENDANT: No.

17 THE COURT: Sir, why don't you first start by
18 telling me what you did in connection with the charge of sex
19 trafficking set forth in Count 1.

20 THE DEFENDANT: My brother and my cousin, I agreed
21 with them to bring from Mexico, women, here to the United
22 States to work in prostitution.

23 THE COURT: And -- I'm sorry?

24 MR. GENTILE: The prosecutor just asked about the
25 time frame. We'll acknowledge the time frame.

1 THE COURT: Sir, did you make this agreement to
2 bring these women from Mexico to the United States to work in
3 prostitution between October 2000 and December 2008?

4 THE DEFENDANT: Yes.

5 THE COURT: And when the women worked in
6 prostitution, did you, your brother, and cousin, or other
7 people benefit financially from the prostitution acts of these
8 women?

9 THE DEFENDANT: Yes.

10 THE COURT: And did the bringing of these women from
11 Mexico to the United States for the purpose of engaging in
12 prostitution involve the use of violence or force or threats
13 of violence or force or telling women that they are being
14 brought here for some other purpose that was not prostitution?

15 THE DEFENDANT: Yes.

16 THE COURT: And where did these women engage in
17 prostitution once they arrived here in the United States?

18 THE DEFENDANT: New York.

19 THE COURT: Do you know where in New York?

20 THE DEFENDANT: In Queens.

21 THE COURT: Queens, New York?

22 THE DEFENDANT: And the Bronx.

23 THE COURT: All right. Now, Ms. Sasso, was there
24 anything else with regard to Count 1 that you wish to hear
25 from this defendant?

1 MS. SASSO: Your Honor, only that we could prove,
2 based on travel and transportation and financial benefit, that
3 there was an impact on interstate commerce.

4 THE COURT: And, Mr. Gentile, do you dispute the
5 government's proffer that they could prove the impact on
6 interstate commerce?

7 MR. GENTILE: No objection.

8 THE COURT: All right. With regard to Count 2,
9 which is the sex trafficking conspiracy between January 2009
10 and June 2011, would you please tell me what you did with
11 regard to that count?

12 MR. GENTILE: One moment, Judge.

13 THE COURT: Yes.

14 (Short pause.)

15 THE DEFENDANT: I brought Christina, me and my
16 brother brought her, here to the US, to work as a prostitute.

17 THE COURT: And did you or your brother agree that
18 either force, violence, threats of force or violence, or
19 telling Christina things that weren't true about her reasons
20 for coming to the United States, did you agree with your
21 brother that those methods of bringing Christina would be
22 used?

23 THE DEFENDANT: Yes.

24 THE COURT: And did you and your brother obtain
25 money because Christina had engaged in prostitution as a

1 result of your bringing her here?

2 THE DEFENDANT: Yes.

3 THE COURT: And was Christina one of the women that
4 you brought to work in prostitution either in Queens or the
5 Bronx or both?

6 THE DEFENDANT: Yes.

7 THE COURT: And did this occur between January 2009
8 and 2011?

9 THE DEFENDANT: Yes.

10 THE COURT: Ms. Sasso, is there anything else you'd
11 like to add?

12 MS. SASSO: Similarly to Count 1, we could prove the
13 impact on interstate commerce based on the defendant's
14 proffer.

15 THE COURT: Mr. Gentile, similarly, with regard to
16 Count 2, do you agree that the government would proffer and
17 prove that there was an impact on interstate commerce?

18 MR. GENTILE: I would certainly concur on that.
19 Judge, I also would note, which you duly noted in one of the
20 status conferences, with regard to that first count, he was a
21 juvenile during a period of that time. I will raise that as a
22 sentencing issue also before Your Honor. Just so that you are
23 aware of it. He was born in December of 1986. So for a
24 portion of that period of time he was during his 15 year
25 umbrella that we are talking about. About five years of it,

1 he was a juvenile, technically. But I will leave that for
2 another day. But I am just bringing it to your attention.

3 THE COURT: All right. Thank you.

4 And has the government verified his age at the time
5 of the offense conduct?

6 MS. SASSO: Your Honor, there is some ambiguity as
7 to the defendant's date of birth. There's inconsistent
8 records that the government has, and we certainly have records
9 that corroborate the idea that he was born in December of
10 1986. In any event, Count 1 does span time in which the
11 defendant was a legal adult over the age of 18.

12 THE COURT: All right. Thank you.

13 Is there anything else either party wishes to bring
14 to my attention before we move forward?

15 MS. SASSO: Not from the government, Your Honor.

16 MR. GENTILE: No, Your Honor. There will be a time
17 and place in the future.

18 THE COURT: All right. Mr. Granados-Rendon, based
19 upon your statements to me under oath at this proceeding, I
20 find that you are acting voluntarily, that you fully
21 understand your rights and the consequences of your guilty
22 plea, and that there is a factual basis for me to accept your
23 plea of guilty to Counts 1 and 2 of the indictment. I,
24 therefore, do accept your plea of guilty to Counts 1 and 2.

25 We have scheduled your sentencing date for April 23,

1 2018, at 11:00 a.m.

2 MR. GENTILE: May I just say something on that,
3 Judge?

4 THE COURT: Yes, of course.

5 MR. GENTILE: And if it affects you, it does, and if
6 it doesn't, it doesn't.

7 As you probably are aware, probation is very
8 diligent in getting right to a defense attorney and saying,
9 let's schedule the interview. I am going for surgery on
10 Monday. I estimate it is going to be about a two-month rehab.
11 It is a rotator cuff tear. I am going to ask with Your
12 Honor's permission that if the probation office does call,
13 could I ask them to -- that I can do this interview after
14 February 1. And if you want to keep that date, that's fine, I
15 just wanted to let you know that, if you don't mind.

16 THE COURT: That would be fine with me. If you need
17 to adjourn the April 23 date, you will let us know.

18 MR. GENTILE: Okay.

19 THE COURT: Right now, it is 11:00 on that date.
20 And if the parties would kindly follow Rule 32 regarding any
21 objections, or comments to the pre-sentence report, which
22 should be served on your adversary, and the probation
23 department, with two courtesy copies to the Court. You need
24 not file those via ECF, but we would like hard copies. And
25 then with regard to any sentencing submissions or motions or

1 letters of support, those should be filed via ECF, with names
2 of victims redacted, of course.

3 They would be due from the defense by April 2, 2018,
4 the government would respond by April 9, 2018, and any reply
5 would be due April 16, 2018. As I said, those should be filed
6 via ECF with courtesy copies to probation and my chambers.

7 Is there anything else I should address?

8 MS. SASSO: No, Your Honor. Thank you.

9 MR. GENTILE: No, Your Honor. Thank you very much.

10 THE COURT: Thank you. Good luck with your surgery,
11 sir.

12 MR. GENTILE: Thank you, Judge. I appreciate it.

13 THE COURT: Thank you, Marshals.

14 (WHEREUPON, at 3:01 p.m., the proceedings were
15 completed.)

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REPORTER'S CERTIFICATE

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21 I, ANNETTE M. MONTALVO, do hereby certify that the
22 above and foregoing constitutes a true and accurate transcript
23 of my stenographic notes and is a full, true and complete
24 transcript of the proceedings to the best of my ability.

25 Dated this 1st day of August, 2018.

24 /s/Annette M. Montalvo
Annette M. Montalvo, CSR, RDR, CRR
25 Official Court Reporter